

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KELLY SHIPLEY,

Plaintiff,

v.

RELIASTAR LIFE INSURANCE
COMPANY,

Defendant.

Case No. 1:22-cv-00819-ADA-SAB

ORDER GRANTING STIPULATED
MOTION TO MODIFY SCHEDULING
ORDER

(ECF No. 23)

On September 8, 2022, a scheduling order was issued setting the following relevant deadlines: dispositive motion deadline on September 29, 2023; pretrial conference on March 4, 2024, and trial on May 7, 2024. (ECF No. 12.) On September 29, 2023, Plaintiff and Defendant filed cross motions for summary judgment. (ECF Nos. 15, 16.) Neither motion has been decided.

On November 30, 2023, the parties filed a stipulated motion that the Court vacate and continue all pre-trial and trial dates. (ECF No. 23.) The parties proffer that there is a likelihood that all or part of this matter will be resolved by summary judgment. Given the then-assigned District Judge's October 2, 2023 minute order advising the parties that a decision may not be issued for several months, the parties have met and conferred and, in the interest of judicial economy, request that the Court vacate and continue all currently scheduled pretrial and trial deadlines pending the Court's decision on the parties' cross motions for summary judgment. The parties also jointly request that if the matter is not fully resolved by a decision on their cross-

1 motions, the Court schedule a further scheduling conference to reset all remaining pre-trial and
2 trial dates. The parties agree and request that all discovery and dispositive motion deadlines
3 contained in the scheduling order remain in place and not be continued. The Court finds good
4 cause exists to vacate the pretrial conference and trial until the motions for summary judgment
5 are decided.

6 As the parties acknowledge in their motion, Judge de Alba was recently appointed to the
7 Ninth Circuit. Accordingly, no District Judge is currently assigned to the pending action.¹ The
8 parties are reminded that Magistrate Judges are available to conduct case dispositive
9 proceedings, including motions to dismiss, motions for summary judgment, a jury or non-jury
10 trial, and entry of a final judgment. However, exercise of this jurisdiction by a Magistrate Judge
11 is permitted only if all parties voluntarily consent. To consent or decline to Magistrate Judge
12 jurisdiction, a party may sign and file the consent form available on the Court's website, at:
13 <http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>. Parties may consent, decline, or
14 withhold consent without any adverse consequences, and the assigned Magistrate Judge will not
15 be informed of the individual party's holding or withholding of consent.

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22 ¹ The Court emphasizes that aside from the recent appointment leaving this case unassigned to an
23 active District Judge, the District Judges in the Eastern District are among the busiest in the
24 nation. (See ECF No. 40 entered in Case No. 1:20-cv-01069-ADA-SAB (“The parties are
25 further advised that due to the judicial resource emergency and COVID pandemic, there are
26 more than 130 motions currently under submission in Judge de Alba’s recently re-assigned
27 caseload. The Court understands the impact that such a backlog has on the parties and although
28 the Court will continue working diligently to resolve all pending motions, it may still be months
before the parties’ pending motion is resolved. As such, in light of having the heaviest district
court caseload in the nation, limited Court resources, and the need to prioritize criminal and older
civil matters over more recently filed actions, this Court strongly encourages the parties to
consent to conduct all further proceedings before a U.S. Magistrate Judge.”).)

1 IT IS HEREBY ORDERED that the parties' stipulated motion (ECF No. 23) is
2 GRANTED, and the pretrial conference currently set for March 4, 2024 and trial currently set for
3 May 7, 2024 are VACATED. The Court will reset the dates for the pretrial conference and trial,
4 if necessary, following the Court's ruling on the parties' cross motions for summary judgment.

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6 IT IS SO ORDERED.

7 Dated: **December 1, 2023**


UNITED STATES MAGISTRATE JUDGE